

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES 1/
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

Margaret McIsaac, D.V.M.
License No. 01997
MacDonald Veterinary Hospital
267 Cottage Grove
Bloomfield, CT 06002

Petition No. 910208-47-004

001997

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND:

The Department of Health Services ("Department") presented the Connecticut Board of Veterinary Medicine ("Board") with a Statement of Charges brought against Margaret McIsaac, D.V.M. ("Respondent") dated June 30, 1993. (Department Exhibit 3). The Statement of Charges alleges in one (1) count that Respondent, in examining and treating a dog, violated Connecticut General Statutes §20-202. Specifically, the Statement of Charges alleges that on June 29, 1990, the Respondent examined and treated a dog owned by P. J. Landsman, and that in doing so, she acted inappropriately in that (a) she did not x-ray the dog's hock; (b) she did not properly examine the hock area; (c) she did not properly treat the dog; (d) she

1/ Previously, this agency was known as the Department of Health Services. Effective July 1, 1993, the Department of Health Services merged with the Connecticut Alcohol and Drug Abuse Commission to form the new Department of Public Health and Addiction Services. Public Act No. 93-381.

did not refer the dog for appropriate treatment; and/or (e) she did not properly document the history.

Prior to the initiation of the instant charges, the Department, acting pursuant to Section 4-182(c) of the Uniform Administrative Procedure Act, gave the Respondent the opportunity to attend a Compliance Conference to show compliance with all lawful requirements for the retention of her license. (Department Exhibit 1).

The Department served the Notice of Hearing and Statement of Charges on the Respondent by certified mail, return receipt requested. (Department Exhibit 3). The Respondent filed a response to the Statement of Charges in an Answer dated August 17, 1993. (Respondent Exhibit A).

The Respondent requested a continuance of the October 13, 1993 hearing date; the Board granted the request. On December 8, 1993 and January 19, 1994 the Board held an administrative hearing to adjudicate the Respondent's case. Concurrently, the Board heard a companion case involving Rheal Bouchard, D.V.M. The Respondent appeared with her attorney, John S. Pinney. Stephen J. Varga, Esq., represented the Department. Both the Department and the Respondent presented evidence and conducted cross-examination of witnesses.

The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 and the Regulations of Connecticut State Agencies §19-2a-1, et seq. After the hearing concluded, all participating Board members received copies of the entire record. All Board members involved in rendering this decision either heard the case or reviewed the record in its entirety. This decision is based solely on the record and the specialized professional knowledge of the Board in evaluating the evidence.

FINDINGS OF FACT:

1. Respondent is, and has been at all times referenced in the Statement of Charges, the holder of Connecticut veterinary license number 01997. (Department Exhibit 3 and Respondent Exhibit A).
2. On June 29, 1990, Respondent examined and treated a dog ("Noddy") owned by P. J. Landsman. (Department Exhibit 3, Respondent Exhibit A).
3. In examining and treating Noddy, the Respondent x-rayed the dog's hip, but did not x-ray the dog's hock. (Transcript 12/8/93, pp. 11-13; Bouchard Exhibit 6).
4. At the time of the Respondent's examination of Noddy, the dog was unable to walk. (Transcript 12/8/93, p. 13).
Appropriate examination, based on Noddy's inability to

walk, would have included an x-ray of the hock.

(Transcript 12/8/93, pp. 42-43).

5. The Respondent did not properly examine the hock area because proper examination would have included an x-ray of the hock. (Transcript 12/8/93, pp. 42-43).
6. The Respondent's failure to x-ray the hock resulted in the Respondent improperly diagnosing the dog as suffering only from degenerative joint disease and bruising. (Transcript 12/8/93, p. 12; Transcript 1/19/94, pp. 5, 10-11).
Subsequent x-rays and examination performed at another veterinary facility revealed that Noddy had a subluxated tarsal joint. (Department Exhibit 7). Based on her inaccurate diagnosis, the Respondent inappropriately prescribed anti-inflammatory medication. (Bouchard Exhibit 6). Consequently, Noddy did not receive proper treatment.
7. The Respondent did not refer Noddy for treatment at another facility or by another veterinarian. However, referral was not necessary at that time, since the Respondent advised Ms. Landsman to call her or come in if Noddy did not improve. (Transcript 12/8/93, p. 13; Transcript 1/19/94, p. 8).

CONCLUSIONS OF LAW:

1. Connecticut General Statutes §20-202 provides in pertinent part:

[The] board may take any of the actions set forth in Section 19a-17 for any of the following causes: ... (2) proof that the holder of such license ... has been guilty of cruelty, unskillfulness or gross negligence towards animals and birds....

2. The Respondent, by failing to examine and treat Noddy properly, was "guilty of ...unskillfulness" in her care of Noddy. Accordingly, the Respondent violated Connecticut General Statutes §20-202.
3. The Department sustained its burden of proof with regard to Paragraphs 1, 2, 3a, 3b, 3c and 4 of the Statement of Charges, but not subparagraphs 3d or 3e.

DISCUSSION:

Subparagraphs 3a and 3b of the First Count allege, respectively, that the Respondent did not x-ray the hock and that she did not properly examine the hock area. The Board notes that the medical record made by the Respondent on June 29, 1990, does not indicate that she x-rayed the hock. Furthermore, Ms. Landsman testified that the Respondent did not x-ray the hock. Ms. Landsman also testified that, at the time of the examination, Noddy was unable to walk and had to be taken out of the hospital on a trolley. The Board finds Ms. Landsman's testimony credible, and further finds that, in light of the dog's inability to walk, an appropriate examination would have included an x-ray of the hock. Because the

Respondent did not x-ray the hock, she did not properly examine the hock area.

Subparagraph 3c of the First Count alleges that the Respondent did not properly treat the dog. The Board finds that, as a result of the Respondent's failure to x-ray the hock, she improperly diagnosed Noddy as only suffering from degenerative joint disease and bruising, when, in fact, the dog had a subluxation of the tarsal joint. Based on her misdiagnosis, the Respondent inappropriately prescribed anti-inflammatory medication. The Board concludes, therefore, that the Respondent did not provide Noddy with proper treatment.

Subparagraph 3d of the First Count alleges that the Respondent did not refer Noddy for appropriate treatment. Although the record shows that the Respondent did not make any referral, the Board concludes that no immediate referral was necessary. The record shows that the Respondent advised Ms. Landsman to call or come back to the clinic if Noddy did not get better, and the Board concludes that such advice was sufficient under the circumstances.

Subparagraph 3e of the First Count alleges that the Respondent did not properly document Noddy's history. Because the evidence in the record does not substantiate that assertion, the Board concludes that the Department did not meet its burden of proof on that allegation.

Paragraph 4 of the First Count alleges that the Respondent's conduct, described in Paragraph 3, constitutes a violation of Connecticut General Statutes §20-202. The Board concludes that subparagraphs 3a, 3b, and 3c, on which the Department sustained its burden of proof, demonstrate unskillfulness by the Respondent, and therefore establish that the Respondent violated Section 20-202.

ORDER:

Pursuant to the authority vested in it by Connecticut General Statutes §19a-17 and §20-202, the Board orders the following in this case against Margaret McIsaac, D.V.M., Petition No. 910208-47-004:

1. The Respondent shall be issued a letter of ~~reprimand~~
2. The Respondent shall be on ~~probation~~ for a period of six (6) months. The Board places the following conditions on Respondent's probation:
 - a. Respondent shall have monthly reviews of twenty percent (20%) of her client records, including billing, by a veterinarian licensed in Connecticut and approved by the Department. Such veterinarian will be approved and prepared to begin record reviews within

thirty (30) days of the effective date of this Decision.

b. Costs of such reviews shall be paid by the Respondent.

c. The reviewing veterinarian shall submit monthly reports regarding such reviews to Bonnie Pinkerton, Nurse Consultant, of the Department of Public Health and Addiction Services, 150 Washington Street, Hartford, Connecticut 06106.

3. The Respondent shall be assessed a **civil penalty** of two hundred fifty dollars (\$250.00), payable by certified check to "Treasurer, State of Connecticut" within sixty (60) days of the date this decision is signed. The certified check, which shall indicate Respondent's Petition Number on its face, should be mailed to Bonnie Pinkerton at the address listed in Paragraph 2c above.

4. This Order shall become effective on 5 April, 1995.

Connecticut Board of Veterinary Medicine

4/5/95
Date

Richard E. Lau, D.V.M.
by: Richard E. Lau, D.V.M., Member and
Acting Chairman

MEMORANDUM TO FILE

I, Richard E. Lau, D.V.M., declare that the Memorandum of Decision presented to the Connecticut Board of Veterinary Medicine concerning Petition No. 910208-47-004, Margaret McIsaac, D.V.M., reflects the unanimous opinion of the board members that adjudicated the case.

5 April, 1995
Date

Richard E. Lau, D.V.M.
Richard E. Lau, D.V.M.

MEMORANDUM TO FILE

I, Ferris G. Gorra, D.V.M., declare that the Memorandum of Decision presented to the Connecticut Board of Veterinary Medicine concerning Petition No. 910208-47-004, Margaret McIsaac, D.V.M., reflects the unanimous opinion of the board members that adjudicated the case.

Date

4/5/95

Ferris G. Gorra

Ferris G. Gorra, D.V.M.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES

BUREAU OF HEALTH SYSTEM REGULATION

CONNECTICUT BOARD OF VETERINARY MEDICINE

April 5, 1995

Margaret McIsaac, D.V.M.
MacDonald Veterinary Hospital
267 Cottage Grove Road
Bloomfield, Connecticut 06002

RE: Petition No. 910208-47-004

Dear Dr. McIsaac:

Connecticut Statutes Section 20-202 states, in part, that the Connecticut Board of Veterinary Medicine may take disciplinary action against a Connecticut licensed veterinarian following "...proof that the holder of such license...has been guilty of cruelty, unskillfulness, or gross negligence towards animals...."

The members of the Connecticut Board of Veterinary Medicine find that on or about June 29, 1990, you examined and treated "Noddy," a dog owned by P.J. Landsman. The Board also finds that you did not properly examine Noddy's hock joint, that you did not radiograph the hock, and, lacking the information a radiograph would have provided, that you improperly treated the dog.

The Connecticut Board of Veterinary Medicine finds your failure to perform these acts unskillful, and formally reprimands you.

Sincerely,

Connecticut Board of Veterinary Medicine

By: Richard E. Lau, D.V.M.
Member and Acting Chairman

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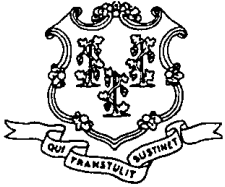


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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES
BUREAU OF HEALTH SYSTEM REGULATION

November 9, 1995

Margaret McIsaac, D.V.M.
MacDonald Veterinary Hospital
267 Cottage Grove Road
Bloomfield, Connecticut 06002

Re: Memorandum of Decision
Petition No. 910208-47-004
License No. 001997
S.S.N. [REDACTED]
D.O.B. [REDACTED]

Dear Dr. McIsaac:

Please accept this letter as notification that you have successfully completed the terms of your probation, effective October 4, 1995.

Notice shall be sent to our License and Registration section to remove any restrictions from your license.

If you have any questions regarding this matter, do not hesitate to call me at 566-1011.

Very truly yours,

Bonnie Pinkerton
Nurse Consultant
Public Health Hearing Office

BEP
1535Q/41
11/95

cc: Deb Tomassone